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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,136

Applicant(s)

LIU ET AL.

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being clearly anticipated over U.S.

Patent No. 6,259,405 by Stewart et al, hereinafter Stewart.

Regarding claim 1, Stewart discloses a method comprising: broadcasting a synchronization signal from a wireless access point device or AP (Figure 1A, 120) indicating a mode of operation and available network services (column 11, lines 60-65); receiving a request for establishment of a connection from a non-authorized device or non-registered PCD (portable computing device) in response to the broadcast of the synchronization signal (column 13, lines 15-25); and establishing a connection between a non-authorized mobile device (Figure 1A, 110A) and the access point device (see Figures 4 and 5; column 12, line 57 – column 13, line 25).

Regarding claim 2, the method of claim 1 mentioned above, wherein Stewart further discloses: receiving a request for connection establishment from the non-authorized mobile device (column 13, lines 15-25) for access to a selected network service of the available network services; and allowing the non-authorized mobile device access to the selected network service (column 11, line 32 – column 13, line 64).

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Regarding claim 3, the method of claim 1 mentioned above, wherein Stewart further discloses the available network services includes free public network services (column 13, lines 1-3).

Regarding claim 4, the method of claim 1 mentioned above, wherein Stewart further discloses the available network services includes pay-per-use public network services (column 14, lines 24-26; column 14, lines 50-57; column 15, lines 36-54).

Regarding claim 5, the method of claim 4 mentioned above, wherein Stewart further discloses: providing a form of payment for a pay-per-use network service (column 14, lines 24-26; column 14, lines 50-57).

Regarding claim 6, the method of claim 5 mentioned above, wherein Stewart further discloses the form of payment is a credit card number (column 21, lines 1-4).

Regarding claim 7, the method of claim 5 mentioned above, wherein Stewart further discloses the form of payment is a prepaid payment number (column 22, lines 15-19).

Regarding claim 8, the method of claim 5 mentioned above, wherein Stewart further discloses: providing a secure transmission of information between the non-authorized mobile device and the access point device (column 6, lines 49-63).

Regarding claim 9, the method of claim 5 mentioned above, wherein Stewart further discloses: sending payment information from the non-authorized mobile device to the access point device wirelessly (column 21, lines 1-4).

Regarding claim 10, the method of claim 5 mentioned above, wherein Stewart further discloses: validating the payment information provided by the non-authorized mobile device; and

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providing the validation results to the non-authorized mobile device (column 21, lines 15-19; column 22, lines 15-19).

Regarding claim 11, the method of claim 10 mentioned above, wherein Stewart further discloses: inherently establishing a connection between the non-authorized mobile device and a selected network service only if payment validation successful (column 13, lines 6-18; column 14, lines 19-26).

Regarding 12, the method of claim 11 mentioned above, wherein Stewart further discloses: if a payment for the non-authorized mobile device expires, inherently disconnecting the non-authorized mobile device from a selected network service, of the available network services (column 14, lines 19-26; column 29, lines 29-43).

Regarding claim 13, the method of claim 1 mentioned above, wherein Stewart further discloses: performing data exchanges between the non-authorized mobile device and a selected network service of the available network services, through the access point (see Figure 5; column 14, line 50 – column 15, line 10).

Regarding claim 14, the method of claim 1 mentioned above, wherein Stewart further discloses: disconnecting the non-authorized mobile device from the access point device to terminate access to the available network services (Figure 5, 545; column 15, lines 10-12).

Regarding claim 15, the method of claim 1 mentioned above, wherein Stewart further discloses the establishment of the connection uses an authentication procedure provided in Electrical and Electronics Engineers (IEEE) Standard 802.11 Specification or its supplements (see Abstract).

Regarding claim, 16, please see the rejections of the method in claims 1 and 2 mentioned above, to reject the machine-readable medium in claim 16, wherein Stewart further discloses: a machine-readable medium having one or more instructions for enabling a non-authorized to wirelessly access a number of network services, which when executed by a processor, causes the processor to perform operations comprising: wireless transmitting a synchronization signal indicating a mode of operation and available network services (column 11, lines 60-65); and receiving a request for connection establishment from a non-authorized user in response to the transmission of the synchronization signal (column 9, lines 35-41; column 10, lines 1-7; column 13, lines 15-25).

Regarding claims 17-20, please see the rejections of the method in claims 4, 11, 12, and 13, mentioned above, respectively, to reject the machine-readable medium in claims 17-20.

Regarding claim 21, Stewart discloses an apparatus comprising: a transceiver port for wirelessly communicating with mobile devices; a network communications port communicatively coupled to the transceiver port, the network communications port for coupling to a network; and a control unit inherently coupled to the transceiver port and the network communications port, the control unit inherently configured to control access from the transceiver port to the network communications port and provide at least two modes of operation, a first mode of operation to provide authorized mobile devices access to the network communications port, and a second mode of operation to provide non-authorized mobile devices access to the network communications port (see Abstract; see Figures 4 and 5; column 7, line 52 – column 8, line 47), wherein the control unit is to use the transceiver port to broadcast a synchronization signal indicating a mode of operation and available network services, and to

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receive a response from an unauthorized mobile device in response to the broadcast of the synchronization signal (column 11, lines 60-65; column 13, lines 15-25).

Regarding claim 22, the apparatus of claim 21 mentioned above, wherein Stewart further discloses any one of the operation modes can be dynamically enabled or disabled (Figure 4: 442, 444; column 12, lines 53-59; column 13, lines 4-6).

Regarding claim 23, the apparatus of claim 21 mentioned above, wherein Stewart further discloses in the first mode of operation a specific authentication process is requested from the mobile devices to obtain full network access over the network communications port (column 12, lines 40-52) and in the second mode of operation no specific authentication process is requested from the mobile devices to obtain certain network access over the network communications port (column 13, lines 15-29; column 14, lines 19-22).

Regarding claim 24, the apparatus of claim 21 mentioned above, wherein Stewart further discloses the second mode of operation allows the non-authorized mobile devices to obtain public network access through the network communication port (column 13, lines 51-63).

Regarding claim 25, the apparatus of claim 21 mentioned above, wherein Stewart further discloses the control unit is inherently configured to provide secure services to both authorized and non-authorized mobile devices (column 6, lines 49-63).

Regarding claim 26, the apparatus of claim 21 mentioned above, wherein Stewart further discloses the control unit is inherently configured to provide data exchange to both authorized and non-authorized mobile devices utilizing an authorization process provided in the Electrical and Electronics Engineers (IEEE) 802.11 Standard or its supplements (see Abstract and Figure 5).

Regarding claim 27, the apparatus of claim 21 mentioned above, wherein Stewart further discloses the control unit is inherently configured to provide a third mode of operation, the third mode of operation provides authorized mobile devices access to the network communications port and non-authorized mobile devices limited access to the network communications port simultaneously (column 13, lines 51-63).

Response to Arguments

3. In response to the remarks (pages 9-11), of the Amendment filed on July 30, 2004, applicant argues that the Stewart reference fails to teach a system in which “a method or apparatus to broadcast a synchronization signal or to receive a request for establishment of communication in response to the broadcast” and “a process or apparatus for actively broadcasting a synchronization signal that indicates a mode of operation and available network services, nor for receiving a request that is made in response to such a signal”. The examiner disagrees with applicant.

As noted in the specification of the claimed invention, ‘... The MU may listen to the information broadcasted by a WLAN station or AP. This information would allow the MU to locate AP, and then possibly to join its network.’.... (page 2, lines 12-15).

The cited reference clearly anticipates the claimed invention. Stewart clearly discloses a wireless AP may send out a signal periodically that is recognizable by the non-authorized PCD. This signal may inform the PCD that a wireless AP is near and offer the MU using that PCD access to the system (column 11, lines 60-65). In response to this signal, the MU’s PCD may be configured to automatically accept an offer of service or the MU’s PCD may be queried as to whether the MU desires services from the AP (column 13, lines 15-25; column 13, lines 50-64).

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In conclusion, the elements of the claimed invention is well met by the cited reference above, please see all rejections and the response above.

4. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for formal communications intended for entry)

Or call:

(703) 306-0377 (for customer service assistance)

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Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH
lh

December 8, 2004


FAN TSANG
SUPERVISORY PATENT EXAMINER
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